

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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MICHAEL N. KELSEY,

Plaintiff,

-against-

22 CIVIL 3774 (PMH)

**JUDGMENT**

BRITTNEY KESSEL,

Defendant.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Opinion and Order dated March 8, 2024, Defendant's motion to dismiss is GRANTED and Plaintiff's Second Amended Complaint is dismissed with prejudice. Plaintiff's claims are barred under the Eleventh Amendment and therefore any amendment would be futile. Reed v. Friedman Mgt. Corp., 541 F. Appx 40, 41 (2d Cir. 2013). Furthermore, Plaintiff has already been given multiple opportunities to amend his pleading. Where a plaintiff has been given notice of deficiencies in his pleading and has "failed to take advantage of his opportunities to cure or attempt to cure them," leave to replead is likewise properly denied. Elgalad v. New York City Dep't of Educ., No. 17-CV-04849, 2019 WL 4805669, at \*10 (S.D.N.Y. Sept. 30, 2019); accordingly, the case is closed.

**Dated:** New York, New York

March 8, 2024

**RUBY J. KRAJICK**

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**Clerk of Court**

**BY:**

*K. mango*

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**Deputy Clerk**